

BakerHostetler

November 17, 2015

CONFIDENTIAL

VIA E-MAIL

Federal Election Commission
Office of Complaints Examination
and Legal Administration
Attn: Kim Collins, Paralegal
999 E Street, NW
Washington, DC 20436

Re: MUR# 6969, *American Democracy Legal Fund v. MMWP12 LLC, et al.*

Dear Ms. Collins:

I have been retained as counsel for New Day Independent Media Committee, Inc. and Susan Jones, Treasurer, New Day Independent Media Committee, Inc. (collectively "New Day Media") in the above-referenced matter. In its Complaint, American Democracy Legal Fund and Hillary Clinton advisor Brad Woodhouse (collectively "ADLF") allege New Day Media violated the Federal Election Campaign Act of 1971 (the "Act") by "knowingly accepting a contribution that was made in the name of another." See Complaint at 2. In addition, the Complaint alleges that MMWP12, K2m LLC, Mark Kvamme, and Paul Johannsen violated the Federal Election Campaign Act of 1971 (the "Act") by (1) using MMWP12 to make contributions in the name of

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another person and (2) failing to register MMWP12 with the Federal Election Commission (the "Commission") as a political committee under the Act.¹

Argument

The Commission should promptly dismiss this matter. The single allegation against New Day Media is based upon internet news articles to incorrectly assert that New Day Media knowingly accepted a contribution in the name of another. In reality, this allegation is directly contradicted in the ADLF complaint itself when ADLF makes it clear that MMWP12 made a corporate contribution to New Day Media, and it "did so without disclosing . . . the source of the money to New Day [Media] at the time the contribution is made." Moreover, the contribution form for New Day Media clearly states that "Contributions made in the name of another are strictly prohibited." See New Day Independent Media Committee, Inc., Contribution Form, attached hereto as Exhibit A. New Day Media simply does not accept contributions in the name of another. Because ADLF's Complaint fails to allege facts showing specific violations, the matter should be dismissed without further action.

Conclusion

For the foregoing reasons, ADLF's Complaint should be dismissed and the Commission should take no further action.

Sincerely,



Robert J. Tucker

Attachment

¹ A response to the allegations against MMWP12, K2M LLC, Mark Kvamme, and Paul Johannsen is outside the scope of this response, and will be addressed in a separate response by them.

1-800-V-T-A-L-K-1

NEW DAY INDEPENDENT MEDIA COMMITTEE, INC.

CONTRIBUTION FORM

Please Check One: ☐ Individual Contribution ☐ Corporate Contribution

Wiring Instructions

Bank	Huntington
Account #	REDACTED
Routing # (Wire Transfer)	REDACTED
Employer Identification Number	47-4140945
Account Name	New Day Independent Media Committee, Inc.

Federal law requires us to use our best efforts to collect and report the name, mailing address, occupation and name of employer of individuals whose contributions exceed \$200 in a calendar year.

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Occupation: _____ Employer: _____

Phone: _____ E-mail: _____

For questions please contact Brooke Bodney directly at 614-449-9541 or bbodney@aol.com.

Please mail this form and check back to:

Susan Jones
Winterset CPA
4679 Winterset Drive
Columbus, Ohio 43220

Contributions to New Day Independent Media Committee, Inc. are not deductible as charitable contributions for Federal income tax purposes. Contributions by foreign nationals and federal government contractors are prohibited. Contributions made in the name of another are strictly prohibited. New Day Independent Media Committee, Inc. is registered with the Internal Revenue Service, and it is an independent, expenditure-only committee. New Day Independent Media Committee, Inc. may accept unlimited contributions from individuals, corporations, and other organizations. Your contribution is not subject to contribution limits, but it will be disclosed to the IRS or FEC. New Day Independent Media Committee Inc.'s spending is independent, and it does not make contributions to, or coordinate its spending with, any candidates, elected officials, or political parties.

PAID FOR BY NEW DAY INDEPENDENT MEDIA COMMITTEE
NOT AUTHORIZED BY ANY CANDIDATE OR CANDIDATES COMMITTEE